

## **REMARKS**

Applicants appreciate the thorough review of the present application as reflected in the Official Action mailed July 2, 2004. Applicants appreciate the renumbering of the claims by the Examiner and the renumbered claims are reflected in the above Listing of Claims. Applicants have also added new Claim 24, which is a computer program product claim depending from Claim 1, and new Claim 25, which is a system claim depending from Claim 1.

### **The IDS**

Applicants wish to bring to the Examiner's attention an Information Disclosure Statement that is being filed concurrently herewith. Applicants request that the Examiner consider the references cited in the IDS and return a copy of the initialed PTO-1449 showing consideration of these references with any subsequent communication.

### **The Double Patenting Rejection**

Claims 1-23 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting in light of U.S. Application Serial No. 09/764,616. Applicants submit concurrently herewith a Terminal Disclaimer with regard to the '616 application. Accordingly, Applicants submit that the double patenting rejection has been overcome.

### **The Anticipation Rejection**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,697,857 to Dixon *et al.* (hereinafter "Dixon"). Official Action, p. 8. In particular, the Official Action cites to col. 6, lines 8-11 of Dixon as disclosing the "negotiating security associations" recitations of Claim 1. Official Action p. 8. The Official Action also cites to the Abstract, Fig. 2 and col. 5, line 42 to col. 6, line 17 of Dixon as disclosing the "distributing information" recitations of Claim 1. Official Action, p. 8.

Applicants initially note that Claim 1 does not merely recite negotiating security associations but expressly recites "negotiating security associations (SAs) **associated with the DVIPA** utilizing an Internet Key Exchange (**IKE**) component **associated with the routing communication protocol stack.**" Thus, the SAs for the DVIPA are negotiated using an IKE associated with a routing communication protocol stack, not the target hosts. Because the routing communication protocol stack, not the target hosts, negotiates the SAs, the SA information is distributed "to the target hosts to allow the target hosts to perform IPSec processing of communications from the network utilizing the negotiated SAs." See Claim 1. Applicants submit that this division between negotiating the SAs and performing IPSec processing is not disclosed or suggested by the cited portions of Dixon.

In particular, Fig. 2 of Dixon describes an architecture for communication between two computers. There is no indication that an IKE associated with a routing communication protocol stack negotiates SAs and then distributes the SA information to target hosts. Dixon appears to describe conventional SA negotiation where an IKE sends the negotiated SA to an IPSec driver for processing. However, the IKE is associated with the IPSec driver where the processing is carried out. See Dixon, col. 5, line 42 to col. 6, line 17. In fact, Dixon does not even appear to relate to Virtual IP Addresses where a single IP address is shared by more than one host but, instead, relates to sharing security policies, not security associations. Thus, Applicants submit that Dixon does not disclose or suggest negotiating SAs with an IKE associated with a routing communication protocol stack as recited in Claim 1.

Furthermore, Dixon appears to relate to IPSec policy administration. As discussed above, the cited portion of Dixon merely describes conventional IPSec processing and does not appear to relate to virtual IP addresses. As such, Applicants submit that the cited portions of Dixon do not disclose or suggest the distribution of SA information to a plurality of target hosts as recited in Claim 1, as the IKE providing SAs to a single IPSec driver is not distributing SA information to target hosts.

In light of the above discussion, Applicants submit that the cited portions of Dixon do not disclose or suggest each of the recitations of Claim 1. Accordingly,

In re: Godwin et al.  
Serial No.: 09/764,613  
Filed: January 17, 2001  
Page 10 of 10

Applicants submit that Claim 1 is patentable over Dixon. Applicants also submit that Claim 2 is patentable over Dixon at least as depending from a patentable base claim.

### **Conclusion**

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to Deposit Account No. 09-0461.

Respectfully submitted,



Timothy J. O'Sullivan  
Registration No. 35,632

Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 1, 2004.



Traci Brown